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TELNP226USA

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**REMARKS**

Claims 14-34 are currently pending in the subject application, and are presently under consideration. Claim 14 has been amended herein. A clean version of all pending claims is found at pages 2-4. A marked version of the amended claims is found at page 8. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

**I. Rejection of Claims 14-17, 20-24, 28-29, and 32-34 Under 35 U.S.C. §103(a)**

Claims 14-17, 20-24, 28-29, and 32-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable by Petteruti, *et al.* (US 5,335,170) in view of Tracy, *et. al.* (US 5,979,757). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 14 has been amended herein to recite a microcomputer that provides a display option in accordance with the horizontal configuration to orient display information on the display based at least in part upon whether a user selects a left hand or right hand display option. Neither Petteruti, *et al.* nor Tracy, *et. al.* alone or in combination disclose providing a display option for a hand-held scanner to display information such as to accommodate scanner operations for both left and right handed users as recited in amended claim 14.

In the Office Action dated April 18, 2002, the Examiner cites that the previously amended claim 14 recited a manner in which the claimed apparatus was not differentiated by the prior art by the intended employment of the apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Although applicants' representative respectfully disagrees with the characterization that means plus function language was employed in the previously amended claim 14, this claim has been amended herein for *clarity* to recite a structural limitation that is not disclosed alone or in combination by Petteruti, *et al.* and/or Tracy, *et. al.* (microcomputer that provides a display option that can position display information on the display based upon a left hand or right hand display option).

With regard to independent claim 21, applicants' representatives respectfully submit that suitable consideration was not given to the previous claim amendment and the ramifications thereof since the Examiner has not addressed or overcome the limitations of Petteruti, *et al.* as noted in the previous reply. Claim 21 had been amended previously to recite extending the handle from the bottom surface of the body *at* the first distal end to increase a viewing angle of the display. Petteruti, *et al.* teaches a scanner base unit that is slidable into a handle adapter. This configuration positions the handle in a *central location* under the base unit and is therefore configured *away* from the first

09/835,733

TELNP226USA

distal end (*See* Fig. 2A whereby the handle is not positioned at the first distal end). This configuration causes the display or viewing angle to be more difficult to observe from the user's hand than the arrangement of claim 21. Therefore, Petteruti, *et al.* does not teach or suggest the claimed configuration that provides the advantage of an increased viewing angle by configuring the handle at the first distal end as recited in amended claim 21.

In the Office Action dated December 14, 2001, the Examiner cited that it would be possible to increase the viewing angle in Petteruti, *et al.* by *moving the hand*. This again was stated in the Office action dated April 18, 2002 by the Examiner. Hand movements are mitigated by the present invention of amended claim 21 which is a *significant improvement* over Petteruti, *et al.* For example, and as noted previously, an operator who operates a scanner may scan hundreds or thousands of items daily. If they have to move their hand each time they desire to view the display more clearly, such as would be required in a scanner according to Petteruti, *et al.* and *as suggested by the Examiner in hindsight*, increased inefficiency would result (*e.g.*, more time wasted in operation of device) and result in less utility (*e.g.*, overall be more cumbersome or difficult to operate device by constantly moving device closer to properly view display). In contrast, in a hand-held scanner according to claim 21 as previously amended, the handle extends from the bottom surface of the scanner *at* the first distal end, thereby increasing the viewing angle of the display - so as to mitigate hand movements. Therefore it is not obvious to increase the viewing angle in this manner or else Petteruti, *et al.* would have disclosed such feature. To the extent that the Examiner is taking Official Notice of such feature (positioning a handle at a first distal end to increase a viewing angle), applicants respectfully request a showing of evidence from the Examiner in support of such Official Notice in accordance with MPEP §2144.03.

In view of the above, it is respectfully requested that the rejection of independent claim 14 and claims 15-17, 20 which depend therefrom and independent claim 21 and claims 22-24, 28-29, and 32-34 which depend therefrom be withdrawn.

## **II. Rejection of Claims 18-19, 25-27, 30-31 Under 35 U.S.C. §103(a)**

Claims 18-19, 25-27, 30-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petteruti, *et al.* as modified by Tracy, *et al.* and in further view of Reynolds, *et al.* (US 5,828,052). Reynolds, *et al.* does not make up for the aforementioned deficiencies of Petteruti, *et al.* and Tracy, *et al.* with respect to amended claim 14 from which claims 18-19 depend, and in further respect to claim

09/835,733

TELNP226USA

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**MARKED UP VERSION OF AMENDED CLAIMS**

14. (Three Times Amended) A hand-held optical scanning device, comprising:
- a body including an upper surface having a display mounted thereof;
  - a handle that extends from a bottom surface of the body, the display having a horizontal configuration; and
  - a microcomputer that provides a display option in accordance with the horizontal configuration to orient display information on the display based at least in part upon whether a user selects a left hand or right hand display option.
- [being configurable according to a left handed users hand and a right handed users hand.]

09/835,733

TELNP226USA

21 from which claims 25-27 and 30-31 depend. Therefore, it is respectfully submitted that this rejection should be withdrawn.

## II. Conclusion

The present application is believed to be condition for allowance, and in view of the above remarks, a prompt action to such end is earnestly solicited.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

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Respectfully submitted,

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